PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional)
	CHUC3007/ESS

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on	Application Number	Filed
	10/538,477	June 7, 2005
	First Named Inventor	
Signature	Chih-Chang CHU	
Typed or printed name	Art Unit	Examiner
	1796	S.B. Haider

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record. Registration number 22,495
- ☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34

Eric S Spector

Signature

Eric S. Spector

Typed or printed name

703-683-0500

Telephone number

May 19, 2009

Date

Bacon & Thomas, PLLC, **Customer No. 23364**

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of forms are submitted.

PRE-APPEAL BRIEF REQUEST FOR REVIEW ARGUMENT

Claims 1 and 3-7 are finally rejected. There are only rejections under 35 USC 103 (a). There are two of these. Claim 1 is rejected as being unpatentable over Eckman in views of Mosier and in view of Jahns. Claims 3-7 are rejected as being upatentable over Eckman in view of Mosier and in view of Jahns and in further view of Nelson.

The rejections are both defective for failing to teach or suggest the limitation of step (a) of claim 1 (and claims dependent thereon) of forming an aqueous solution of poly(ethylene glycol) diacrylate where the polyethylene glycol has a weight average molecular weight ranging from 2,000 to 35,000.

The final action relies on column 3, lines 5-23 of Jahns as teaching polyethylene glycol diacrylate but Jahns does not recite polyethylene glycol diacrylate but rather recites ethylene glycol diacrylate, which the action at page 5 admits is a different compound from polyethylene glycol diacrylate.

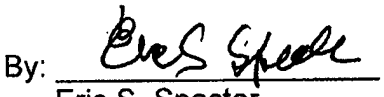
A near as the undersigned can discern, the final action takes the position that polyethylene diacrylate would be present in Jahns because the ethylene glycol diacrylate of Jahns would be polymerized to form polyethylene glycol diacrylate but the final action misses that this differs from claim 1 because ethylene glycol is not converted polyethylene glycol in the polymerization relied on in the rejection and because polyethylene glycol diacrylate is a monomer in claim 1 and not in Jahns and because in claim 1 polymerization occurs only after an emulsion is formed (see step (d) of claim 1) and not in the position of the rejection. Moreover, the final action (page 5) does not accept the Chu declaration (paragraph 10) statement that the results are different when

the starting monomer is polyethylene glycol diacrylate (claim 1) rather then ethylene glycol diacrylate (Jahns) and gives no reason for this.

Moreover, the action takes the position that since the continuous phase polyethylene glycol in Eckman has a molecular weight of 6,000, it would be obvious to use polyethylene glycol of the same molecular weight for the polyethylene glycol of the polyethylene glycol diacrylate in the disperse phase as claimed. The undersigned does not follow the logic.

Reversal of the rejection and allowance or reopening of prosecution are requested.

Respectfully submitted,
BACON & THOMAS, PLLC

By: 
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Date: May 19, 2009